

SECOND REGULAR SESSION

[CORRECTED]

[PERFECTED]

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1307

91ST GENERAL ASSEMBLY

Taken up for Perfection April 29, 2002.

House Substitute for House Bill No. 1307 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

2774L.05P

AN ACT

To amend chapter 306, RSMo, by adding thereto three new sections relating to boating safety, with penalty provisions and an effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 306, RSMo, is amended by adding thereto three new sections, to be known as sections 306.123, 306.128, and 306.129, to read as follows:

306.123. 1. Every person born after August 28, 1981, or as required pursuant to section 306.128, who operates a vessel or personal watercraft shall possess, on the vessel or personal watercraft, a boating safety identification card issued by the Missouri state water patrol or its agent which shows that he or she has:

(1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Missouri state water patrol. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The Missouri state water patrol may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The Missouri state water patrol shall maintain a list of approved courses; or

(2) Successfully passed an equivalency examination prepared by the Missouri state water patrol and administered by the Missouri state water patrol or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or

16 **(3) A valid master's, mate's or operator's license issued by the United States Coast**
17 **Guard.**

18 **2. The Missouri state water patrol or its agent shall issue a permanent boating**
19 **safety identification card to each person who complies with the requirements of this section**
20 **which is valid for life unless invalidated pursuant to law.**

21 **3. The Missouri state water patrol may charge a fee for such card that does not**
22 **substantially exceed the costs of administrating this section. The Missouri state water**
23 **patrol or its designated agent shall collect such fees. These funds shall be forwarded to**
24 **general revenue.**

25 **4. The provisions of this section shall not apply to any person who:**

26 **(1) Is licensed by the United States Coast Guard to serve as master of a vessel;**

27 **(2) Operates a vessel or personal watercraft only on a private lake or pond that is**
28 **not classified as waters of the state;**

29 **(3) Until December 31, 2004, is a nonresident who is visiting the state for sixty days**
30 **or less;**

31 **(4) Is participating in an event or regatta approved by the water patrol;**

32 **(5) Is a nonresident who has proof of a valid boating certificate or license issued by**
33 **another state if the boating course is approved by the National Association of State Boating**
34 **Law Administrators;**

35 **(6) Is exempted by rule of the water patrol; or**

36 **(7) Is currently serving in any branch of the United States armed forces, reserves,**
37 **or Missouri national guard, or any spouse of a person currently in such service.**

38 **5. The Missouri state water patrol shall inform other states of the requirements of**
39 **this section.**

40 **6. Any person who violates the provisions of this section is guilty of a class C**
41 **misdemeanor and for a second or subsequent offense is guilty of a class B misdemeanor.**
42 **No individual shall be detained or stopped strictly for the purpose of checking for said**
43 **boating safety identification card.**

44 **7. No rule or portion of a rule promulgated pursuant to the authority of this section**
45 **shall become effective unless it has been promulgated pursuant to the provisions of chapter**
46 **536, RSMo.**

306.128. 1. Any person convicted of an offense pursuant to section 306.110,
2 **306.111, 306.112, 306.123, 306.132 or 306.141 shall:**

3 **(1) Enroll in and successfully complete, at his or her own expense, a boating safety**
4 **education course that meets minimum standards established by the water patrol by rule;**

5 **(2) File with the court proof of successful completion of such course and submit a**

6 certified copy to the water patrol;

7 (3) Not operate a vessel until such filing.

8 (4) The provisions of this section shall not apply to any person who has previously
9 successfully completed a boating safety education course.

10 2. No rule or portion of a rule promulgated pursuant to the authority of this section
11 shall become effective unless it has been promulgated pursuant to the provisions of chapter
12 536, RSMo.

306.129. 1. There is hereby created in the state treasury the "Missouri Boating
2 Safety Education Fund", which shall consist of money collected pursuant to section
3 306.123, and any gifts, grants, bequests, or donations. The fund shall be administered by
4 the department of public safety. Upon appropriation, money in the fund shall be used
5 solely for the purpose of boating safety education.

6 2. The provisions of section 33.080, RSMo, shall not apply to this fund.

7 3. The state treasurer shall invest moneys in the fund in the same manner as other
8 funds are invested. Any interest and moneys earned on such investments shall be credited
9 to the fund.

Section B. Section A of this act shall become effective on January 1, 2003.